

PTO/SB/61 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**Docket Number (Optional)
APPM/005378/CMP/
ECP/CKIM

First named inventor: Todd Alan Balisky

Art Unit: 1764

Application Number: 09/674,635

Examiner: Alexis A. Wachtel

Filed: November 1, 2000

Title: Chemical Mixing, Replenishment, And Waste Management System

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (571)272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

- ☐ Small entity - fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 500.00 (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of

Response to Notice of Non-Compliant Amendment dated June 29, 2004 (identify the type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

11/04/2005 NNGUYEN1 00000016 501074 09674635

01 FC:1452 500.00 DA

404338_1

DAC
IFW

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Keith M. Tackett

Signature

11/1/05

Date

Keith M. Tackett

Typed or printed name

32,008

Registration Number, if applicable

3040 Post Oak Blvd. Suite 1500

Address

(713) 623-4844

Telephone Number

Houston, TX 77056

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unavoidable delay☒ Statement by Gaile Bailey and Statement by Barbara Holt

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 272-8300.

11/1/05

Date

Keith M. Tackett

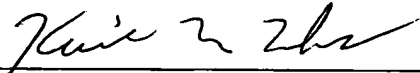
Signature

Keith M. Tackett

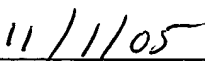
Typed or printed name of person signing certificate

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED**UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants and by any other party who is presenting statements concerning the cause of delay.



Signature



Date

Keith M. Tackett

Typed or printed name

32,008

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

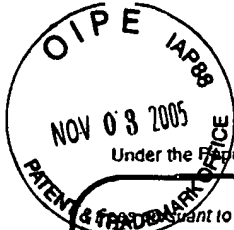
The delay in filing a response to the Notice of Non-Compliant Amendment dated 06/29/2004 was unavoidable because Applied Materials, whose address was at the time listed as the correspondence address, did not receive the Notice of Non-Compliant Amendment.

In support of this assertion, the statements of Gaile Bailey and Barbara Holt, who are Patent Administrators for Applied Materials, are attached to this petition.

In further support, it is referred to the fact that a Status Inquiry into this case was filed by counsel and received by the USPTO on March 7th, 2005. No response to this inquiry was provided by the USPTO to either counsel or Applied Materials. The Status Inquiry would not have been filed if the Notice of Non-Compliant Amendment had been received.

Without having received the Notice of Non-Compliant Amendment it would have been impossible for counsel to respond to the notice in a timely manner. Thus, the delay in filing a response was unavoidable, and the Applicants respectfully request that this Petition for Revival of an Application for Patent Abandoned Unavoidably be granted.

(Please attach additional sheets if additional space is needed.)



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2005		Complete If Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/674,635
		Filing Date	November 1, 2000
		First Named Inventor	Todd Alan Belisky
		Examiner Name	Alexis A. Wachtel
		Art Unit	1764
		Attorney Docket No.	APPM/005378/CMP/ECP/CKIM
TOTAL AMOUNT OF PAYMENT (\$)		500.00	

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify)

☒ Deposit Account Deposit Account Number: 50-1074/005378 Deposit Account Name: APPLIED MATERIALS, INC.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below

☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s)

☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description				Small Entity	
				Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)				50	25
Each independent claim over 3 (including Reissues)				200	100
Multiple dependent claims				360	180
Total Claims	Extra Claims	Fee(\$)	Fee Paid (\$)	Multiple Dependent Claims	
_____ -20 or HP= _____	x _____	= _____	_____	Fee (\$)	Fee Paid (\$)
HP = highest number of total claims paid for, if greater than 20.				_____	_____
Indep. Claims	Extra Claims	Fee(\$)	Fee Paid (\$)		
_____ - 3 or HP= _____	x _____	= _____	_____		
HP = highest number of independent claims paid for, if greater than 3.					

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.18(s).

Total Sheets _____ Extra Sheets _____ Number of each additional 50 or fraction thereof _____ Fee (\$) _____ Fee Paid (\$)

_____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition Fee Under 1.17 (I)

Fees Paid (\$)

\$500.00

SUBMITTED BY

Signature	<i>Robert W. Mulcahy</i>	Registration No. (Attorney/Agent)	25/436	Telephone	713-623-4844
Name (Print/Type)	ROBERT W. MULCAHY	Date	11/01/05		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-796-9199) and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Todd Alan Balisky

Serial No.: 09/674,635

Confirmation No.: 9023

Filed: November 1, 2000

For: Chemical Mixing, Replenishment,
And Waste Management System

MAIL STOP: PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Madam:

§
§
§
§
§
§
§
§
§
§
§

Group Art Unit: 1764

Examiner: Alexis A. Wachtel

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER
37 CFR 1.8

I hereby certify that this correspondence and the documents referred to as attached therein are being facsimile transmitted to the U.S. Patent and Trademark Office to the fax number indicated by the Examiner, namely, fax number 571-272-8300 to the attention of the named Examiner, on the date below.

11/1/05

Date

Signature

STATEMENT BY BARBARA HOLT

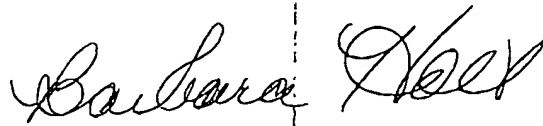
I, Barbara Holt, am providing the following statement under 37 CFR 1.181:

I am a Patent Administrator for Applied Materials Inc., of Santa Clara, California. My responsibilities include managing the documentation in connection with the prosecution of the above-identified application.

I have examined the records for the above-identified application, and the Notice of Non-Compliant Amendment dated 06/29/2004 could not be found in the records. Additionally, we have no records of receiving the Notice of Non-Compliant Amendment. Therefore, it is my belief that Applied Materials did not in fact receive the Notice of Non-Compliant Amendment dated 06/29/2004.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements

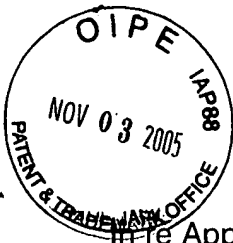
and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which the verified statement is directed.



Barbara Holt
Patent Administrator
Applied Materials, Inc.,
P.O. Box. 450A
Santa Clara, California 95052

Date Signed:

October 28, 2005



PATENT

Atty. Dkt. No. APPM/005378/CMP/ECP/CKIM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Todd Alan Balisky

Serial No.: 09/674,635

Confirmation No.: 9023

Filed: November 1, 2000

For: Chemical Mixing, Replenishment,
And Waste Management System§
§
§
§
§
§
§
§
§
§
§

Group Art Unit: 1764

Examiner: Alexis A. Wachtel

MAIL STOP: PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER
37 CFR 1.8

I hereby certify that this correspondence and the documents referred to as attached therein are being facsimile transmitted to the U.S. Patent and Trademark Office to the fax number indicated by the Examiner, namely, fax number 571-272-8300 to the attention of the named Examiner, on the date below.

11/11/05
Date
Signature**STATEMENT BY GAILE BAILEY**


I, Gaile Bailey, am providing the following statement under 37 CFR 1.181:

I am a Patent Administrator for Applied Materials Inc., of Santa Clara, California. I receive and docket all correspondence between the United States Patent and Trademark Office and Applied Materials. My responsibilities include managing the documentation in connection with the prosecution of the above-identified application.

We have no records of receiving the Notice of Non-Compliant Amendment, and it is therefore my belief that Applied Materials did not in fact receive the Notice of Non-Compliant Amendment dated 06/29/2004.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section

1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which the verified statement is directed.



Gaile Bailey
Patent Administrator
Applied Materials, Inc.,
P.O. Box. 450A
Santa Clara, California 95052

Date Signed:

10/28/05